

AMENDED IN SENATE MARCH 22, 2011

SENATE BILL

No. 360

Introduced by Senator DeSaulnier

February 15, 2011

An act to amend ~~Section 11165 of~~ *Section 6929 of the Family Code, and to amend Sections 11054, 11055, 11056, 11057, 11161.5, 11162.1, 11165, 11165.1 11212, 11350, 11351, 11352, 11353, 11354, 11355, 11377, 11378, 11379, 11379.2, 11839.2, and 11875 of, and to add Sections 11165.2 and 11165.3 to, the Health and Safety Code, relating to controlled substances.*

LEGISLATIVE COUNSEL'S DIGEST

SB 360, as amended, DeSaulnier. Controlled Substance Utilization Review and Evaluation System.

Existing law classifies certain controlled substances into designated schedules. Under existing law, unlawful possession of specified controlled substances is either a misdemeanor or a felony. Existing law requires the Department of Justice, contingent upon the availability of adequate funds from various funds related to health care, as specified, to maintain the Controlled Substance Utilization Review and Evaluation System (CURES) for the electronic monitoring of the prescribing and dispensing of Schedule II, Schedule III, and Schedule IV controlled substances by all practitioners authorized to prescribe or dispense these controlled substances.

~~This bill would make a technical, nonsubstantive change to that provision.~~

This bill would revise Schedule I and Schedule II to add additional opiates, revise Schedule III to add additional depressants, anabolic steroid products, and materials, compounds, mixtures, or preparations

containing chorionic gonadotropin, a hormone, and Schedule IV to add additional depressants and stimulants. By revising the definition of crimes, the bill would impose a state-mandated local program.

Existing law defines a security printer as a person approved to produce controlled substance prescription forms. Existing law requires that prescription forms for controlled substance prescriptions be obtained from security printers approved by the Department of Justice. These provisions authorize the department to approve a security printer who provides specified information to the department, including the location, names, and titles of the applicant's agent for service of process, all principal corporate officers, if any, and all managing general partners, if any. Existing law also requires those persons to provide a signed statement indicating whether they have ever been convicted of, or pled no contest to, a violation of any law or ordinance. Existing law authorizes the department to revoke its approval of a security printer for a violation of these provisions or action that would permit a denial.

This bill would expand those requirements imposed on an applicant for approval as a security printer to additionally require the applicant to provide the location, names, and titles of any individual owner, partner, corporate officer, manager, agent, representative, employee, or subcontractor of the applicant who has direct access to, or management or control of, controlled substance prescription forms and require those persons to submit the signed statement described above. The bill would also make conforming and related changes. In addition, the bill would require that controlled substance prescriptions provided in person be restricted to established customers. The bill would require security printers to obtain photo identification from the customer and maintain a log of the information, and to report any theft or loss of controlled substance prescriptions to the department via fax or e-mail within 24 hours of the incident. The bill would also require that controlled substance prescriptions be shipped only to the prescriber's address on file and verified with the federal Drug Enforcement Administration or the Medical Board of California. The bill would authorize the department to impose restrictions, sanctions, or penalties against security printers who are not in compliance with provisions governing security printers, as specified.

Existing law governs the prescription forms for controlled substances. Among other things, the forms are required to include the preprinted name, category of licensure, license number, and federal controlled substance registration number of the prescribing practitioner.

This bill would also require the forms to include the address of the prescribing practitioner. The bill would make an additional change relating to forms ordered for use by prescribers when treating patients in licensed health care facilities or certain clinics that are exempt from other requirements governing these forms. The bill would provide that prescription forms that are not in compliance with these provisions shall not be accepted after July 1, 2012.

The bill would establish a specified process by which a licensed health care practitioner or a pharmacist may obtain approval to access information stored on the Internet regarding the controlled substance history of a patient, as specified.

The bill would require that the theft or loss of prescription information be reported immediately to the department, as specified. The bill would also require the department to conduct audits of the Prescription Drug Monitoring System and authorize the department to establish a system for issuing citations, and for assessing and imposing administrative fines, not to exceed \$2,500 for each violation, that would be deposited in the CURES Program Special Fund, for violations of the program, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6929 of the Family Code is amended to
- 2 read:
- 3 6929. (a) As used in this section:
- 4 (1) "Counseling" means the provision of counseling services
- 5 by a provider under a contract with the state or a county to provide
- 6 alcohol or drug abuse counseling services pursuant to Part 2
- 7 (commencing with Section 5600) of Division 5 of the Welfare and
- 8 Institutions Code or pursuant to Division 10.5 (commencing with
- 9 Section 11750) of the Health and Safety Code.

(2) “Drug or alcohol” includes, but is not limited to, any substance listed in any of the following:

(A) Section 380 or 381 of the Penal Code.

(B) Division 10 (commencing with Section 11000) of the Health and Safety Code.

(C) Subdivision (f) of Section 647 of the Penal Code.

(3) “LAAM” means levoalphacetylmethadol as specified in paragraph ~~(10)~~ (12) of subdivision (c) of Section 11055 of the Health and Safety Code.

(4) “Professional person” means a physician and surgeon, registered nurse, psychologist, clinical social worker, marriage and family therapist, marriage and family therapist registered intern when appropriately employed and supervised pursuant to Section 4980.43 of the Business and Professions Code, psychological assistant when appropriately employed and supervised pursuant to Section 2913 of the Business and Professions Code, or associate clinical social worker when appropriately employed and supervised pursuant to Section 4996.18 of the Business and Professions Code.

(b) A minor who is 12 years of age or older may consent to medical care and counseling relating to the diagnosis and treatment of a drug- or alcohol-related problem.

(c) The treatment plan of a minor authorized by this section shall include the involvement of the minor’s parent or guardian, if appropriate, as determined by the professional person or treatment facility treating the minor. The professional person providing medical care or counseling to a minor shall state in the minor’s treatment record whether and when the professional person attempted to contact the minor’s parent or guardian, and whether the attempt to contact the parent or guardian was successful or unsuccessful, or the reason why, in the opinion of the professional person, it would not be appropriate to contact the minor’s parent or guardian.

(d) The minor’s parent or guardian is not liable for payment for any care provided to a minor pursuant to this section, except that if the minor’s parent or guardian participates in a counseling program pursuant to this section, the parent or guardian is liable for the cost of the services provided to the minor and the parent or guardian.

(e) This section does not authorize a minor to receive replacement narcotic abuse treatment, in a program licensed

pursuant to Article 3 (commencing with Section 11875) of Chapter 1 of Part 3 of Division 10.5 of the Health and Safety Code, without the consent of the minor's parent or guardian.

(f) It is the intent of the Legislature that the state shall respect the right of a parent or legal guardian to seek medical care and counseling for a drug- or alcohol-related problem of a minor child when the child does not consent to the medical care and counseling, and nothing in this section shall be construed to restrict or eliminate this right.

(g) Notwithstanding any other provision of law, in cases where a parent or legal guardian has sought the medical care and counseling for a drug- or alcohol-related problem of a minor child, the physician shall disclose medical information concerning the care to the minor's parent or legal guardian upon his or her request, even if the minor child does not consent to disclosure, without liability for the disclosure.

SEC. 2. Section 11054 of the Health and Safety Code is amended to read:

11054. (a) The controlled substances listed in this section are included in Schedule I.

(b) Opiates. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of those isomers, esters, ethers, and salts is possible within the specific chemical designation:

- (1) 1-(1-Phenylcyclohexyl)pyrrolidine.
- (2) 1-(2-Phenylethyl)-4-phenyl-4-acetoxypiperidine.
- (3) 1-[1-(2-Thienyl)cyclohexyl]piperidine.
- (4) 1-[1-(2-Thienyl)cyclohexyl]pyrrolidine.
- (5) 1-Methyl-4-phenyl-4-propionoxypiperidine.
- (6) 2,5-Dimethoxy-4-(n)-propylthiophenethylamine.
- (7) 2,5-Dimethoxy-4-ethylamphetamine.
- (8) 2,5-Dimethoxyamphetamine.
- (9) 3,4,5-Trimethoxyamphetamine.
- (10) 3,4-Methylenedioxyamphetamine.
- (11) 3,4-Methylenedioxymethamphetamine.
- (12) 3,4-Methylenedioxy-N-ethylamphetamine.
- (13) 3-Methylfentanyl.
- (14) 3-Methylthiofentanyl.
- (15) 4-Bromo-2,5-dimethoxyamphetamine.

- 1 (16) 4-Bromo-2,5-dimethoxyphenethylamine.
- 2 (17) 4-Methoxyamphetamine.
- 3 (18) 4-Methyl-2,5-dimethoxyamphetamine.
- 4 (19) 4-Methylaminorex (*cis isomer*).
- 5 (20) 5-Methoxy-3,4-methylenedioxyamphetamine.
- 6 (21) 5-Methoxy-*N,N*-diisopropyltryptamine.
- 7 ~~(1)~~
- 8 (22) Acetylmethadol.
- 9 ~~(2)~~
- 10 (23) Allylprodine.
- 11 ~~(3)~~
- 12 (24) Alphacetylmethadol (except levoalphacetylmethadol, also
- 13 known as ~~levo-alpha-acetylmethadol~~ *levo-alpha-acetylmethadol*,
- 14 levomethadyl acetate, or LAAM).
- 15 ~~(4)~~
- 16 (25) Alphameprodine.
- 17 ~~(5)~~
- 18 (26) Alphamethadol.
- 19 (27) *Alpha-methylfentanyl*.
- 20 (28) *Alpha-methylthiofentanyl*.
- 21 (29) *Alpha-methyltryptamine*.
- 22 (30) *Aminorex*.
- 23 ~~(6)~~
- 24 (31) Benzethidine.
- 25 ~~(7)~~
- 26 (32) Betacetylmethadol.
- 27 (33) *Beta-hydroxy-3-methylfentanyl*.
- 28 (34) *Beta-hydroxyfentanyl*.
- 29 ~~(8)~~
- 30 (35) Betameprodine.
- 31 ~~(9)~~
- 32 (36) Betamethadol.
- 33 ~~(10)~~
- 34 (37) Betaprodine.
- 35 (38) *Cathinone*.
- 36 ~~(11)~~
- 37 (39) Clonitazene.
- 38 (12)
- 39 (40) Dextromoramide.
- 40 ~~(13)~~

- 1 (41) Diampromide.
- 2 ~~(14)~~
- 3 (42) Diethylthiambutene.
- 4 ~~(15)~~
- 5 (43) Difenoxin.
- 6 ~~(16)~~
- 7 (44) Dimenoxadol.
- 8 ~~(17)~~
- 9 (45) Dimepheptanol.
- 10 ~~(18)~~
- 11 (46) Dimethylthiambutene.
- 12 ~~(19)~~
- 13 (47) Dioxaphetyl butyrate.
- 14 ~~(20)~~
- 15 (48) Dipipanone.
- 16 ~~(21)~~
- 17 (49) Ethylmethylthiambutene.
- 18 ~~(22)~~
- 19 (50) Etonitazene.
- 20 ~~(23)~~
- 21 (51) Etoxidine.
- 22 ~~(24)~~
- 23 (52) Furethidine.
- 24 ~~(25)~~
- 25 (53) Hydroxypethidine.
- 26 ~~(26)~~
- 27 (54) Ketobemidone.
- 28 ~~(27)~~
- 29 (55) Levomoramide.
- 30 ~~(28)~~
- 31 (56) Levophenacymorphan.
- 32 (57) *Methcathinone*.
- 33 ~~(29)~~
- 34 (58) Morpheridine.
- 35 (59) *N,N-Dimethylamphetamine*.
- 36 (60) *N-Benzylpiperazine*.
- 37 (61) *N-Ethyl-1-phenylcyclohexylamine*.
- 38 (62) *N-Hydroxy-3-4-methylenedioxyamphetamine*.
- 39 ~~(30)~~
- 40 (63) Noracymethadol.

- 1 ~~(31)~~
- 2 (64) Norlevorphanol.
- 3 ~~(32)~~
- 4 (65) Normethadone.
- 5 ~~(33)~~
- 6 (66) Norpipanone.
- 7 (67) *Para-Fluorofentanyl*.
- 8 (68) *Parahexyl*.
- 9 ~~(34)~~
- 10 (69) Phenadoxone.
- 11 ~~(35)~~
- 12 (70) Phenampromide.
- 13 ~~(36)~~
- 14 (71) Phenomorphan.
- 15 ~~(37)~~
- 16 (72) Phenoperidine.
- 17 ~~(38)~~
- 18 (73) Piritramide.
- 19 ~~(39)~~
- 20 (74) Proheptazine.
- 21 ~~(40)~~
- 22 (75) Properidine.
- 23 ~~(41)~~
- 24 (76) Propiram.
- 25 ~~(42)~~
- 26 (77) Racemoramide.
- 27 (78) *Thiofentanyl*.
- 28 ~~(43)~~
- 29 (79) Tilidine.
- 30 ~~(44)~~
- 31 (80) Trimeperidine.
- 32 ~~(45)~~
- 33 (81) Any substance which contains any quantity of
- 34 acetylfentanyl (N-[1-phenethyl-4-piperidinyl] acetanilide) or a
- 35 derivative thereof.
- 36 ~~(46)~~
- 37 (82) Any substance which contains any quantity of the thiophene
- 38 analog of acetylfentanyl (N-[1-[2-(2-thienyl)ethyl]-4-piperidinyl]
- 39 acetanilide) or a derivative thereof.
- 40 ~~(47)~~

1 (83) 1-Methyl-4-Phenyl-4-Propionoxypiperidine (MPPP).

2 ~~(48)~~

3 (84) 1-(2-Phenethyl)-4-Phenyl-4-Acetyloxypiperidine (PEPAP).

4 (c) Opium derivatives. Unless specifically excepted or unless
5 listed in another schedule, any of the following opium derivatives,
6 its salts, isomers, and salts of isomers whenever the existence of
7 those salts, isomers, and salts of isomers is possible within the
8 specific chemical designation:

9 (1) Acetorphine.

10 (2) Acetyldihydrocodeine.

11 (3) Benzylmorphine.

12 (4) Codeine methylbromide.

13 (5) Codeine-N-Oxide.

14 (6) Cyprenorphine.

15 (7) Desomorphine.

16 (8) Dihydromorphine.

17 (9) Drotebanol.

18 (10) Etorphine (except hydrochloride salt).

19 (11) Heroin.

20 (12) Hydromorphenol.

21 (13) Methyldesorphine.

22 (14) Methyldihydromorphine.

23 (15) Morphine methylbromide.

24 (16) Morphine methylsulfonate.

25 (17) Morphine-N-Oxide.

26 (18) Myorphine.

27 (19) Nicocodeine.

28 (20) Nicomorphine.

29 (21) Normorphine.

30 (22) Pholcodine.

31 (23) Thebacon.

32 (d) Hallucinogenic substances. Unless specifically excepted or
33 unless listed in another schedule, any material, compound, mixture,
34 or preparation, which contains any quantity of the following
35 hallucinogenic substances, or which contains any of its salts,
36 isomers, and salts of isomers whenever the existence of those salts,
37 isomers, and salts of isomers is possible within the specific
38 chemical designation (for purposes of this subdivision only, the
39 term “isomer” includes the optical, position, and geometric
40 isomers):

- 1 (1) 4-bromo-2,5-dimethoxy-amphetamine—Some trade or other
2 names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine;
3 4-bromo-2,5-DMA.
- 4 (2) 2,5-dimethoxyamphetamine—Some trade or other names:
5 2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA.
- 6 (3) 4-methoxyamphetamine—Some trade or other names:
7 4 - m e t h o x y - a l p h a - m e t h y l p h e n e t h y l a m i n e ,
8 paramethoxyamphetamine, PMA.
- 9 (4) 5-methoxy-3,4-methylenedioxy-amphetamine.
- 10 (5) 4-methyl-2,5-dimethoxy-amphetamine—Some trade or other
11 names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine;
12 “DOM”; and “STP.”
- 13 (6) 3,4-methylenedioxy amphetamine.
- 14 (7) 3,4,5-trimethoxy amphetamine.
- 15 (8) Bufotenine—Some trade or other names:
16 3 - (b e t a - d i m e t h y l a m i n o e t h y l) - 5 - h y d r o x y i n d o l e ;
17 3-(2-dimethylaminoethyl)-5 indolol; N,N-dimethylserolonin,
18 5-hydroxy-N,N-dimethyltryptamine; mappine.
- 19 (9) Diethyltryptamine—Some trade or other names:
20 N,N-Diethyltryptamine; DET.
- 21 (10) Dimethyltryptamine—Some trade or other names: DMT.
- 22 (11) Ibogaine—Some trade or other names: 7-Ethyl-6,6beta,
23 7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido
24 [1',2':1,2] azepino [5,4-b] indole; Tabernantheiboga.
- 25 (12) Lysergic acid diethylamide.
- 26 (13) Marijuana.
- 27 (14) Mescaline.
- 28 (15) Peyote—Meaning all parts of the plant presently classified
29 botanically as *Lophophora williamsii* Lemaire, whether growing
30 or not, the seeds thereof, any extract from any part of the plant,
31 and every compound, manufacture, salts, derivative, mixture, or
32 preparation of the plant, its seeds or extracts (interprets 21 U.S.C.
33 Sec. 812(c), Schedule 1(c)(12)).
- 34 (16) N-ethyl-3-piperidyl benzilate.
- 35 (17) N-methyl-3-piperidyl benzilate.
- 36 (18) Psilocybin.
- 37 (19) Psilocyn.
- 38 (20) Tetrahydrocannabinols. Synthetic equivalents of the
39 substances contained in the plant, or in the resinous extractives of
40 Cannabis, sp. and/or synthetic substances, derivatives, and their

isomers with similar chemical structure and pharmacological activity such as the following: delta 1 cis or trans tetrahydrocannabinol, and their optical isomers; delta 6 cis or trans tetrahydrocannabinol, and their optical isomers; delta 3,4 cis or trans tetrahydrocannabinol, and its optical isomers.

(Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered).

(21) Ethylamine analog of phencyclidine—Some trade or other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE.

(22) Pyrrolidine analog of phencyclidine—Some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCP, PHP.

(23) Thiophene analog of phencyclidine—Some trade or other names: 1-[1-(2 thienyl)-cyclohexyl]-piperidine, 2-thienyl analog of phencyclidine, TPCP, TCP.

(e) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Mecloqualone.

(2) Methaqualone.

(3) Gamma hydroxybutyric acid (also known by other names such as GHB; gamma hydroxy butyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate), including its immediate precursors, isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, including, but not limited to, gammabutyrolactone, for which an application has not been approved under Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 355).

(f) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its isomers:

(1) Cocaine base.

1 (2) Fenethylline, including its salts.

2 (3) N-Ethylamphetamine, including its salts.

3 *SEC. 3. Section 11055 of the Health and Safety Code is*
4 *amended to read:*

5 11055. (a) The controlled substances listed in this section are
6 included in Schedule II.

7 (b) Any of the following substances, except those narcotic drugs
8 listed in other schedules, whether produced directly or indirectly
9 by extraction from substances of vegetable origin, or independently
10 by means of chemical synthesis, or by combination of extraction
11 and chemical synthesis:

12 (1) Opium, opiate, and any salt, compound, derivative, or
13 preparation of opium or opiate, with the exception of naloxone
14 hydrochloride (N-allyl-14-hydroxy-nordihydromorphinone
15 hydrochloride), but including the following:

16 (A) Raw opium.

17 (B) Opium extracts.

18 (C) Opium fluid extracts.

19 (D) Powdered opium.

20 (E) Granulated opium.

21 (F) Tincture of opium.

22 (G) Codeine.

23 (H) Ethylmorphine.

24 (I) Hydrocodone.

25 (J) Hydromorphone.

26 (K) Metopon.

27 (L) Morphine.

28 (M) Oxycodone.

29 (N) Oxymorphone.

30 (O) Thebaine.

31 (2) Any salt, compound, isomer, or derivative, whether natural
32 or synthetic, of the substances referred to in paragraph (1), but not
33 including the isoquinoline alkaloids of opium.

34 (3) Opium poppy and poppy straw.

35 (4) Coca leaves and any salt, compound, derivative, or
36 preparation of coca leaves, but not including decocainized coca
37 leaves or extractions which do not contain cocaine or ecgonine.

38 (5) Concentrate of poppy straw (the crude extract of poppy straw
39 in either liquid, solid, or powder form which contains the
40 phenanthrene alkaloids of the opium poppy).

1 (6) Cocaine, except as specified in Section 11054.

2 (7) Ecgonine, whether natural or synthetic, or any salt, isomer,
3 derivative, or preparation thereof.

4 (c) Opiates. Unless specifically excepted or unless in another
5 schedule, any of the following opiates, including its isomers, esters,
6 ethers, salts, and salts of isomers, esters, and ethers whenever the
7 existence of those isomers, esters, ethers, and salts is possible
8 within the specific chemical designation, dextrorphan and
9 levopropoxyphene excepted:

10 (1) Alfentanil.

11 (2) Alphaprodine.

12 (3) Anileridine.

13 (4) Bezitramide.

14 (5) Bulk dextropropoxyphene (nondosage forms).

15 (6) *Carfentanil*.

16 ~~(6)~~

17 (7) Dihydrocodeine.

18 ~~(7)~~

19 (8) Diphenoxylate.

20 (9) *Etorphine HCl*.

21 ~~(8)~~

22 (10) Fentanyl.

23 ~~(9)~~

24 (11) Isomethadone.

25 ~~(10)~~

26 (12) Levoalphacetylmethadol, also known as
27 levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM. This
28 substance is authorized for the treatment of narcotic addicts under
29 federal law (see Part 291 (commencing with Section 291.501) and
30 Part 1308 (commencing with Section 1308.01) of Title 21 of the
31 Code of Federal Regulations).

32 ~~(11)~~

33 (13) Levomethorphan.

34 ~~(12)~~

35 (14) Levorphanol.

36 (15) *Lisdexamfetamine*.

37 ~~(13)~~

38 (16) Metazocine.

39 ~~(14)~~

40 (17) Methadone.

- 1 ~~(15)~~
2 (18) Methadone-Intermediate, 4-cyano-2-dimethylamino-4,
3 4-diphenyl butane.
4 ~~(16)~~
5 (19) Moramide-Intermediate, 2-methyl-3-morpholino-1,
6 1-diphenylpropane-carboxylic acid.
7 (20) *Oripavine*.
8 ~~(17)~~
9 (21) Pethidine (meperidine).
10 ~~(18)~~
11 (2 2) P e t h i d i n e - I n t e r m e d i a t e - A ,
12 4-cyano-1-methyl-4-phenylpiperidine.
13 ~~(19)~~
14 (2 3) P e t h i d i n e - I n t e r m e d i a t e - B ,
15 ethyl-4-phenylpiperidine-4-carboxylate.
16 ~~(20)~~
17 (2 4) P e t h i d i n e - I n t e r m e d i a t e - C ,
18 1-methyl-4-phenylpiperidine-4-carboxylic acid.
19 ~~(21)~~
20 (25) Phenazocine.
21 ~~(22)~~
22 (26) Piminodine.
23 ~~(23)~~
24 (27) Racemethorphan.
25 ~~(24)~~
26 (28) Racemorphan.
27 (29) *Remifentanyl*.
28 ~~(25)~~
29 (30) Sufentanyl.
30 (31) *Tapentadol*.
31 (d) Stimulants. Unless specifically excepted or unless listed in
32 another schedule, any material, compound, mixture, or preparation
33 which contains any quantity of the following substances having a
34 stimulant effect on the central nervous system:
35 (1) Amphetamine, its salts, optical isomers, and salts of its
36 optical isomers.
37 (2) Methamphetamine, its salts, isomers, and salts of its isomers.
38 (3) Dimethylamphetamine (N,N-dimethylamphetamine), its
39 salts, isomers, and salts of its isomers.

1 (4) N-Ethylmethamphetamine (N-ethyl, N-methylamphetamine),
2 its salts, isomers, and salts of its isomers.

3 (5) Phenmetrazine and its salts.

4 (6) Methylphenidate.

5 (7) Khat, which includes all parts of the plant classified
6 botanically as *Catha Edulis*, whether growing or not, the seeds
7 thereof, any extract from any part of the plant, and every
8 compound, manufacture, salt, derivative, mixture, or preparation
9 of the plant, its seeds, or extracts.

10 (8) Cathinone (also known as alpha-aminopropiophenone,
11 2-aminopropiophenone, and norephedrone).

12 (e) Depressants. Unless specifically excepted or unless listed
13 in another schedule, any material, compound, mixture, or
14 preparation which contains any quantity of the following substances
15 having a depressant effect on the central nervous system, including
16 its salts, isomers, and salts of isomers whenever the existence of
17 those salts, isomers, and salts of isomers is possible within the
18 specific chemical designation:

19 (1) Amobarbital.

20 (2) Pentobarbital.

21 (3) Phencyclidines, including the following:

22 (A) 1-(1-phenylcyclohexyl) piperidine (PCP).

23 (B) 1-(1-phenylcyclohexyl) morpholine (PCM).

24 (C) Any analog of phencyclidine which is added by the Attorney
25 General by regulation pursuant to this paragraph.

26 The Attorney General, or his or her designee, may, by rule or
27 regulation, add additional analogs of phencyclidine to those
28 enumerated in this paragraph after notice, posting, and hearing
29 pursuant to Chapter 3.5 (commencing with Section 11340) of Part
30 1 of Division 3 of Title 2 of the Government Code. The Attorney
31 General shall, in the calendar year of the regular session of the
32 Legislature in which the rule or regulation is adopted, submit a
33 draft of a proposed bill to each house of the Legislature which
34 would incorporate the analogs into this code. No rule or regulation
35 shall remain in effect beyond January 1 after the calendar year of
36 the regular session in which the draft of the proposed bill is
37 submitted to each house. However, if the draft of the proposed bill
38 is submitted during a recess of the Legislature exceeding 45
39 calendar days, the rule or regulation shall be effective until January
40 1 after the next calendar year.

1 (4) Secobarbital.

2 (5) Glutethimide.

3 (f) Immediate precursors. Unless specifically excepted or unless
4 listed in another schedule, any material, compound, mixture, or
5 preparation which contains any quantity of the following
6 substances:

7 (1) Immediate precursor to amphetamine and methamphetamine:

8 (A) Phenylacetone. Some trade or other names: phenyl-2
9 propanone; P2P; benzyl methyl ketone; methyl benzyl ketone.

10 (2) Immediate precursors to phencyclidine (PCP):

11 (A) 1-phenylcyclohexylamine.

12 (B) 1-piperidinocyclohexane carbonitrile (PCC).

13 *SEC. 4. Section 11056 of the Health and Safety Code is*
14 *amended to read:*

15 11056. (a) The controlled substances listed in this section are
16 included in Schedule III.

17 (b) Stimulants. Unless specifically excepted or unless listed in
18 another schedule, any material, compound, mixture, or preparation
19 which contains any quantity of the following substances having a
20 stimulant effect on the central nervous system, including its salts,
21 isomers (whether optical, position, or geometric), and salts of those
22 isomers whenever the existence of those salts, isomers, and salts
23 of isomers is possible within the specific chemical designation:

24 (1) Those compounds, mixtures, or preparations in dosage unit
25 form containing any stimulant substances listed in Schedule II
26 which compounds, mixtures, or preparations were listed on August
27 25, 1971, as excepted compounds under Section 1308.32 of Title
28 21 of the Code of Federal Regulations, and any other drug of the
29 quantitative composition shown in that list for those drugs or which
30 is the same except that it contains a lesser quantity of controlled
31 substances.

32 (2) Benzphetamine.

33 (3) Chlorphentermine.

34 (4) Clortermine.

35 (5) Mazindol.

36 (6) Phendimetrazine.

37 (c) Depressants. Unless specifically excepted or unless listed
38 in another schedule, any material, compound, mixture, or
39 preparation which contains any quantity of the following substances
40 having a depressant effect on the central nervous system:

(1) Any compound, mixture, or preparation containing any of the following:

(A) Amobarbital

~~(B) Secobarbital~~

~~(C) Pentobarbital~~

~~or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule.~~

(B) Aprobarbital

(C) Butalbital

(D) Embutramide

(E) Nalorphine

(F) Pentobarbital

(G) Secobarbital

(H) Talbutal

(I) Thiamylal

(J) Thiopental

(K) Tiletamine & Zolazepam

(L) Vinbarbital

or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule.

(2) Any suppository dosage form containing any of the following:

(A) Amobarbital

~~(B) Secobarbital~~

~~(C) Pentobarbital~~

~~or any salt of any of these drugs and approved by the federal Food and Drug Administration for marketing only as a suppository.~~

(B) Aprobarbital

(C) Butalbital

(D) Embutramide

(E) Nalorphine

(F) Pentobarbital

(G) Secobarbital

(H) Talbutal

(I) Thiamyla

(J) Thiopental

(K) Tiletamine & Zolazepam

(L) Vinbarbital

or any salt of any of these drugs and approved by the federal Food and Drug Administration for marketing only as a suppository.

- 1 (3) Any substance which contains any quantity of a derivative
- 2 of barbituric acid or any salt thereof.
- 3 (4) Chlorhexadol.
- 4 (5) Lysergic acid.
- 5 (6) Lysergic acid amide.
- 6 (7) Methypylon.
- 7 (8) Sulfondiethylmethane.
- 8 (9) Sulfonethylmethane.
- 9 (10) Sulfonmethane.
- 10 (11) Gamma hydroxybutyric acid, and its salts, isomers and
- 11 salts of isomers, contained in a drug product for which an
- 12 application has been approved under Section 505 of the Federal
- 13 Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 355).
- 14 (d) Nalorphine.
- 15 (e) Narcotic drugs. Unless specifically excepted or unless listed
- 16 in another schedule, any material, compound, mixture, or
- 17 preparation containing any of the following narcotic drugs, or their
- 18 salts calculated as the free anhydrous base or alkaloid, in limited
- 19 quantities as set forth below:
- 20 (1) Not more than 1.8 grams of codeine per 100 milliliters or
- 21 not more than 90 milligrams per dosage unit, with an equal or
- 22 greater quantity of an isoquinoline alkaloid of opium.
- 23 (2) Not more than 1.8 grams of codeine per 100 milliliters or
- 24 not more than 90 milligrams per dosage unit, with one or more
- 25 active, nonnarcotic ingredients in recognized therapeutic amounts.
- 26 (3) Not more than 300 milligrams of dihydrocodeinone per 100
- 27 milliliters or not more than 15 milligrams per dosage unit, with a
- 28 fourfold or greater quantity of an isoquinoline alkaloid of opium.
- 29 (4) Not more than 300 milligrams of dihydrocodeinone per 100
- 30 milliliters or not more than 15 milligrams per dosage unit, with
- 31 one or more active nonnarcotic ingredients in recognized
- 32 therapeutic amounts. Additionally, oral liquid preparations of
- 33 dihydrocodeinone containing the above specified amounts may
- 34 not contain as its nonnarcotic ingredients two or more
- 35 antihistamines in combination with each other.
- 36 (5) Not more than 1.8 grams of dihydrocodeine per 100
- 37 milliliters or not more than 90 milligrams per dosage unit, with
- 38 one or more active nonnarcotic ingredients in recognized
- 39 therapeutic amounts.

1 (6) Not more than 300 milligrams of ethylmorphine per 100
2 milliliters or not more than 15 milligrams per dosage unit, with
3 one or more active, nonnarcotic ingredients in recognized
4 therapeutic amounts.

5 (7) Not more than 500 milligrams of opium per 100 milliliters
6 or per 100 grams or not more than 25 milligrams per dosage unit,
7 with one or more active, nonnarcotic ingredients in recognized
8 therapeutic amounts.

9 (8) Not more than 50 milligrams of morphine per 100 milliliters
10 or per 100 grams, with one or more active, nonnarcotic ingredients
11 in recognized therapeutic amounts.

12 (f) Anabolic steroids and chorionic gonadotropin. Any material,
13 compound, mixture, or preparation containing chorionic
14 gonadotropin or an anabolic steroid (excluding anabolic steroid
15 products listed in the “Table of Exempt Anabolic Steroid Products”
16 (Section 1308.34 of Title 21 of the Code of Federal Regulations),
17 as exempt from the federal Controlled Substances Act (Section
18 801 and following of Title 21 of the United States Code)),
19 including, but not limited to, the following:

20 (1) Androisoxazole.

21 (2) Androstenediol.

22 (3) Bolandiol.

23 (4) Bolasterone.

24 (5) Boldenone.

25 (6) *Calusterone*.

26 ~~(6)~~

27 (7) Chlormethandienone.

28 ~~(7)~~

29 (8) Clostebol.

30 (9) *Dehyrochlormethyltestosterone*.

31 (10) *Delta1-dihydrotestosterone*.

32 (11) *Desoxymethyltestosterone*.

33 ~~(8)~~

34 (12) Dihydromesterone.

35 ~~(9)~~

36 (13) Drostanolone.

37 ~~(10)~~

38 (14) Ethylestrenol.

39 ~~(11)~~

40 (15) Fluoxymesterone.

- 1 ~~(12)~~
- 2 (16) Formyldienolone.
- 3 ~~(13)~~
- 4 (17) Furazabol.
- 5 ~~(14)~~
- 6 (18) 4-Hydroxy-19-nortestosterone.
- 7 ~~(15)~~
- 8 (19) Mesterolone.
- 9 ~~(16)~~
- 10 (20) Methandriol.
- 11 ~~(17)~~
- 12 (21) Methandrostenolone.
- 13 ~~(18)~~
- 14 (22) Methenolone.
- 15 ~~(19)~~
- 16 (23) 17-Methyltestosterone.
- 17 ~~(20)~~
- 18 (24) Methyltrienolone.
- 19 (25) *Mibolerone*.
- 20 ~~21~~
- 21 (26) Nandrolone.
- 22 ~~(22)~~
- 23 (27) Norbolethone.
- 24 (28) *Norclostebol*.
- 25 ~~(23)~~
- 26 (29) Norethandrolone.
- 27 ~~(24)~~
- 28 (30) Normethandrolone.
- 29 ~~(24)~~
- 30 (31) Oxandrolone.
- 31 ~~(25)~~
- 32 (32) Oxymestron.
- 33 ~~(26)~~
- 34 (33) Oxymetholone.
- 35 ~~(27)~~
- 36 (34) Quinbolone.
- 37 ~~(28)~~
- 38 (35) Stanolone.
- 39 ~~(29)~~
- 40 (36) Stanozolol.

- 1 ~~(30)~~
- 2 (37) Stenbolone.
- 3 ~~(31)~~
- 4 (38) *Testolactone*.
- 5 ~~(32)~~
- 6 (39) Testosterone.
- 7 (40) *Tetrahydrogestrinone*.
- 8 ~~(33)~~
- 9 (41) Trenbolone.
- 10 (42) Chorionic Gonadotropin (HGC).
- 11 (43) *13Beta-ethyl-17beta-hydroxygon-4-en-3-one*
- 12 (44) *17Alpha-methyl-3alpha,17beta-dihydroxy-5alpha-androstane*
- 13 (45) *17Alpha-methyl-3beta,17beta-dihydroxy-5alpha-androstane*
- 14 (46) *17Alpha-methyl-3beta,17beta-dihydroxyandrost-4-ene*
- 15 (47) *17Alpha-methyl-4-hydroxynandrolone*
- 16 (*17alpha-methyl-4-hydroxy-17beta-hydroxyestr-4-en-3-one*)
- 17 (48) *17Alpha-methyl-delta1-dihydrotestosterone*
- 18 (*17betahydroxy-17alpha-methyl-5alpha-androst-1-en-3-one*)
- 19 (49) *17Alpha-methyl-1-testosterone*
- 20 (50) *19-Nor-4,9(10)-androstadienedione*
- 21 (51) *19-Nor-4-androstenediol*
- 22 (*3beta,17beta-dihydroxyestr-4-ene*;
- 23 *3alpha,17beta-dihydroxyestr-4-ene*)
- 24 (52) *19-Nor-4-androstenedione (estr-4-en-3,17-dione)*
- 25 (53) *19-Nor-5-androstenediol*
- 26 (*3beta,17beta-dihydroxyestr-5-ene*;
- 27 *3alpha,17beta-dihydroxyestr-5-ene*)
- 28 (54) *19-Nor-5-androstenedione (estr-5-en-3,17-dione)*
- 29 (55) *1-Androstenediol*
- 30 (*3beta,17beta-dihydroxy-5alphaandrost-1-ene*;
- 31 *3alpha,17beta-dihydroxy-5alphaandrost-1-ene*)
- 32 (56) *1-Androstenedione (5alpha-androst-1-en-3,17-dione)*
- 33 (57) *3Alpha,17beta-dihydroxy-5alpha-androstane*
- 34 (58) *3Beta,17beta-dihydroxy-5alpha-androstane*
- 35 (59) *4-Androstenediol (3beta,17beta-dihydroxy-androst-4-ene)*
- 36 (60) *4-Androstenedione (androst-4-en-3,17-dione)*
- 37 (61) *4-Dihydrotestosterone (17beta-hydroxyandrostan-3-one)*
- 38 (62) *4-Hydroxy-19-nortestosterone*
- 39 (*4,17beta-dihydroxyestr-4-en-3-one*)

- 1 (6 3) 4 - H y d r o x y t e s t o s t e r o n e
2 (4,17beta-dihydroxyandrost-4-en-3-one)
3 (64) 5-Androstenediol (3beta,17beta-dihydroxy-androst-5-ene)
4 (65) 5-Androstenedione (androst-5-en-3,17-dione)
5 (g) Buprenorphine. Any material, compound, mixture, or
6 preparation containing Buprenorphine.
7 (h) Butabarbital. Any material, compound, mixture, or
8 preparation containing Butabarbital.
9 ~~(g)~~
10 (i) Ketamine. Any material, compound, mixture, or preparation
11 containing ketamine.
12 ~~(h)~~
13 (j) Hallucinogenic substances. Any of the following
14 hallucinogenic substances: dronabinol (synthetic) in sesame oil
15 and encapsulated in a soft gelatin capsule in a drug product
16 approved by the federal Food and Drug Administration.
17 SEC. 5. Section 11057 of the Health and Safety Code is
18 amended to read:
19 11057. (a) The controlled substances listed in this section are
20 included in Schedule IV.
21 (b) Schedule IV shall consist of the drugs and other substances,
22 by whatever official name, common or usual name, chemical name,
23 or brand name designated, listed in this section.
24 (c) Narcotic drugs. Unless specifically excepted or unless listed
25 in another schedule, any material, compound, mixture, or
26 preparation containing any of the following narcotic drugs, or their
27 salts calculated as the free anhydrous base or alkaloid, in limited
28 quantities as set forth below:
29 (1) Not more than 1 milligram of difenoxin and not less than
30 25 micrograms of atropine sulfate per dosage unit.
31 (2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,
32 2-diphenyl-3-methyl-2-propionoxybutane).
33 (3) Butorphanol.
34 (d) Depressants. Unless specifically excepted or unless listed
35 in another schedule, any material, compound, mixture, or
36 preparation which contains any quantity of the following
37 substances, including its salts, isomers, and salts of isomers
38 whenever the existence of those salts, isomers, and salts of isomers
39 is possible within the specific chemical designation:
40 (1) Alprazolam.

- 1 (2) Barbitol.
- 2 (3) *Bromazepam*.
- 3 (4) *Camazepam*.
- 4 ~~(3)~~
- 5 (5) Chloral betaine.
- 6 ~~(4)~~
- 7 (6) Chloral hydrate.
- 8 ~~(5)~~
- 9 (7) Chlordiazepoxide.
- 10 ~~(6)~~
- 11 (8) Clobazam.
- 12 ~~(7)~~
- 13 (9) Clonazepam.
- 14 ~~(8)~~
- 15 (10) Clorazepate.
- 16 (11) *Clotiazepam*.
- 17 (12) *Cloxazolam*.
- 18 (13) *Delorazepam*.
- 19 (14) *Dexfenfluramine*.
- 20 ~~(9)~~
- 21 (15) Diazepam.
- 22 (16) *Dichloralphenazone*.
- 23 (17) *Diethylpropion*.
- 24 (18) *Difenoxin*.
- 25 ~~(10)~~
- 26 (19) Estazolam.
- 27 ~~(11)~~
- 28 (20) Ethchlorvynol.
- 29 ~~(12)~~
- 30 (21) Ethinamate.
- 31 (22) *Ethyl loflazepate*.
- 32 (23) *Fludiazepam*.
- 33 ~~(13)~~
- 34 (24) Flunitrazepam.
- 35 ~~(14)~~
- 36 (25) Flurazepam.
- 37 (26) *Fospropofol*.
- 38 ~~(15)~~
- 39 (27) Halazepam.
- 40 (28) *Haloxazolam*.

- 1 (29) *Ketazolam*.
- 2 (30) *Loprazolam*.
- 3 ~~(16)~~
- 4 (31) *Lorazepam*.
- 5 (32) *Lormetazepam*.
- 6 ~~(17)~~
- 7 (33) *Mebutamate*.
- 8 (34) *Medazepam*.
- 9 ~~(18)~~
- 10 (35) *Meprobamate*.
- 11 ~~(19)~~
- 12 (36) *Methohexital*.
- 13 ~~(20)~~
- 14 (37) *Methylphenobarbital* (*Mephobarbital*).
- 15 ~~(21)~~
- 16 (38) *Midazolam*.
- 17 (39) *Nimetazepam*.
- 18 ~~(22)~~
- 19 (40) *Nitrazepam*.
- 20 (41) *Nordiazepam*.
- 21 ~~(23)~~
- 22 (42) *Oxazepam*.
- 23 (43) *Oxazolam*.
- 24 ~~(24)~~
- 25 (44) *Paraldehyde*.
- 26 (45) *Pentazocine*.
- 27 ~~(25)~~
- 28 (46) *Petrichoral*.
- 29 ~~(26)~~
- 30 (47) *Phenobarbital*.
- 31 (48) *Pinazepam*.
- 32 ~~(27)~~
- 33 (49) *Prazepam*.
- 34 ~~(28)~~
- 35 (50) *Quazepam*.
- 36 ~~(29)~~
- 37 (51) *Temazepam*.
- 38 (52) *Tetrazepam*.
- 39 ~~(30)~~
- 40 (53) *Triazolam*.

- 1 ~~(31)~~
- 2 (54) Zaleplon.
- 3 ~~(32)~~
- 4 (55) Zolpidem.
- 5 (56) *Zopiclone*.
- 6 (e) Fenfluramine. Any material, compound, mixture, or
- 7 preparation which contains any quantity of the following
- 8 substances, including its salts, isomers (whether optical, position,
- 9 or geometric), and salts of those isomers, whenever the existence
- 10 of those salts, isomers, and salts of isomers is possible:
- 11 (1) Fenfluramine.
- 12 (f) Stimulants. Unless specifically excepted or unless listed in
- 13 another schedule, any material, compound, mixture, or preparation
- 14 which contains any quantity of the following substances having a
- 15 stimulant effect on the central nervous system, including its salts,
- 16 isomers (whether optical, position, or geometric), and salts of those
- 17 isomers is possible within the specific chemical designation:
- 18 (1) Diethylpropion.
- 19 (2) *Fencamfamin*.
- 20 (3) *Fenproporex*.
- 21 ~~(2)~~
- 22 (4) Mazindol.
- 23 (5) *Mefenorex*.
- 24 ~~(3)~~
- 25 (6) Modafinil.
- 26 ~~(4)~~
- 27 (7) Phentermine.
- 28 ~~(5)~~
- 29 (8) Pemoline (including organometallic complexes and chelates
- 30 thereof).
- 31 ~~(6)~~
- 32 (9) Pipradrol.
- 33 ~~(7)~~
- 34 (10) SPA ((-)-1-dimethylamino-1,2-diphenylethane).
- 35 ~~(8)~~
- 36 (11) Cathine ((+)-norpseudoephedrine).
- 37 (12) *Subutramine*.
- 38 (g) Other substances. Unless specifically excepted or unless
- 39 listed in another schedule, any material, compound, mixture or

1 preparation which contains any quantity of pentazocine, including
2 its salts.

3 *SEC. 6. Section 11161.5 of the Health and Safety Code is*
4 *amended to read:*

5 11161.5. (a) Prescription forms for controlled substance
6 prescriptions shall be obtained from security printers approved by
7 the Department of Justice.

8 (b) The department may approve security printer applications
9 after the applicant has provided the following information:

10 (1) Name, address, and telephone number of the applicant.

11 (2) Policies and procedures of the applicant for verifying the
12 identity of the prescriber ordering controlled substance prescription
13 forms.

14 (3) Policies and procedures of the applicant for verifying
15 delivery of controlled substance prescription forms to prescribers.

16 (4) (A) The location, names, and titles of the applicant's agent
17 for service of process in this state; all principal corporate officers,
18 if any; ~~and~~ all managing general partners, if any; and *any individual*
19 *owner, partner, corporate officer, manager, agent, representative,*
20 *employee, or subcontractor of the applicant who has direct access*
21 *to, or management or control of, controlled substance prescription*
22 *forms.*

23 (B) A report containing this information shall be made on an
24 annual basis and within 30 days after any change of office,
25 principal corporate officers, ~~or~~ managing general partner, ~~and~~ *or*
26 *of any person described in subparagraph (A).*

27 (5) (A) A signed statement indicating whether the applicant,
28 *any principal corporate officers officer, or any managing general*
29 *partners have partner, or any individual owner, partner, corporate*
30 *officer, manager, agent, representative, employee, or subcontractor*
31 *of the applicant who has direct access to, or management or*
32 *control of, controlled substance prescription forms, has ever been*
33 *convicted of, or pled no contest to, a violation of any law of a*
34 *foreign country, the United States, or any state, or of any local*
35 *ordinance.*

36 (B) The department shall provide the applicant and *any*
37 *individual owner, partner, corporate officer, manager, agent,*
38 *representative, employee, or subcontractor of the applicant who*
39 *has direct access to, or management or control of, controlled*
40 *substance prescription forms, with the means and direction to*

1 provide fingerprints and related information, in a manner specified
2 by the department, for the purpose of completing state, federal, or
3 foreign criminal background checks.

4 (C) Any applicant described in subdivision (b) shall submit his
5 or her fingerprint images and related information to the department,
6 for the purpose of the department obtaining information as to the
7 existence and nature of a record of state, federal, or foreign level
8 convictions and state, federal, or foreign level arrests for which
9 the department establishes that the applicant was released on bail
10 or on his or her own recognizance pending trial, as described in
11 subdivision (l) of Section 11105 of the Penal Code. Requests for
12 federal level criminal offender record information received by the
13 department pursuant to this section shall be forwarded to the
14 Federal Bureau of Investigation by the department.

15 (D) The department shall assess against each *security printer*
16 applicant a fee determined by the department to be sufficient to
17 cover all processing, maintenance, and investigative costs generated
18 from or associated with completing state, federal, or foreign
19 background checks *and inspections of security printers* pursuant
20 to this section with respect to that applicant; the fee shall be paid
21 by the applicant at the time he or she submits *the security printer*
22 *application*, fingerprints, and related information to the department.

23 (E) The department shall retain fingerprint impressions and
24 related information for subsequent arrest notification pursuant to
25 Section 11105.2 of the Penal Code for all applicants.

26 (c) The department may, within 60 calendar days of receipt of
27 the application from the applicant, deny the security printer
28 application.

29 (d) The department may deny a security printer application on
30 any of the following grounds:

31 (1) The applicant, any individual owner, partner, corporate
32 officer, manager, agent, representative, employee, or subcontractor
33 for the applicant, who has direct access, management, or control
34 of controlled substance prescription forms, has been convicted of
35 a crime. A conviction within the meaning of this paragraph means
36 a plea or verdict of guilty or a conviction following a plea of *nolo*
37 *contendere*. Any action which a board is permitted to take
38 following the establishment of a conviction may be taken when
39 the time for appeal has elapsed, the judgment of conviction has
40 been affirmed on appeal, or when an order granting probation is

1 made suspending the imposition of sentence, irrespective of a
2 subsequent order under the provisions of Section 1203.4 of the
3 Penal Code.

4 (2) The applicant committed any act involving dishonesty, fraud,
5 or deceit with the intent to substantially benefit himself, herself,
6 or another, or substantially injure another.

7 (3) The applicant committed any act that would constitute a
8 violation of this division.

9 (4) The applicant knowingly made a false statement of fact
10 required to be revealed in the application to produce controlled
11 substance prescription forms.

12 (5) The department determines that the applicant failed to
13 demonstrate adequate security procedures relating to the production
14 and distribution of controlled substance prescription forms.

15 (6) The department determines that the applicant has submitted
16 an incomplete application.

17 (7) As a condition for its approval as a security printer, an
18 applicant shall authorize the Department of Justice to make any
19 examination of the books and records of the applicant, or to visit
20 and inspect the applicant during business hours, to the extent
21 deemed necessary by the board or department to properly enforce
22 this section.

23 (e) An approved applicant shall submit an exemplar of a
24 controlled substance prescription form, with all security features,
25 to the Department of Justice within 30 days of initial production.

26 (f) The department shall maintain a list of approved security
27 printers and the department shall make this information available
28 to prescribers and other appropriate government agencies, including
29 the Board of Pharmacy.

30 (g) Before printing any controlled substance prescription forms,
31 a security printer shall verify with the appropriate licensing board
32 that the prescriber possesses a license and current prescribing
33 privileges which permits the prescribing of controlled substances
34 *with the federal Drug Enforcement Administration (DEA)*.

35 (h) Controlled substance prescription forms shall be provided
36 directly to the prescriber either in person, by certified mail, or by
37 a means that requires a signature signifying receipt of the package
38 and provision of that signature to the security printer. *Controlled*
39 *substance prescriptions provided in person shall be restricted to*
40 *established customers. Security printers shall obtain a photo*

1 *identification from the customer and maintain a log of this*
2 *information. Controlled substance prescriptions shall be shipped*
3 *only to the prescriber's address on file and verified with the federal*
4 *Drug Enforcement Administration or the Medical Board of*
5 *California.*

6 (i) Security printers shall retain ordering and delivery records
7 in a readily retrievable manner for individual prescribers for three
8 years.

9 (j) Security printers shall produce ordering and delivery records
10 upon request by an authorized officer of the law as defined in
11 Section 4017 of the Business and Professions Code.

12 (k) *Security printers shall report any theft or loss of controlled*
13 *substance prescriptions to the Department of Justice via fax or*
14 *e-mail within 24 hours of the theft or loss.*

15 ~~(k)~~

16 (l) (1) The department ~~may~~ *shall impose restrictions, sanctions,*
17 *or penalties against security printers who are not in compliance*
18 *with this division pursuant to regulations implemented pursuant*
19 *to this division and shall revoke its approval of a security printer*
20 *for a violation of this division or action that would permit a denial*
21 *pursuant to subdivision (d) of this section.*

22 (2) When the department revokes its approval, it shall notify
23 the appropriate licensing boards and remove the security printer
24 from the list of approved security printers.

25 *SEC. 7. Section 11162.1 of the Health and Safety Code is*
26 *amended to read:*

27 11162.1. (a) The prescription forms for controlled substances
28 shall be printed with the following features:

29 (1) A latent, repetitive “void” pattern shall be printed across the
30 entire front of the prescription blank; if a prescription is scanned
31 or photocopied, the word “void” shall appear in a pattern across
32 the entire front of the prescription.

33 (2) A watermark shall be printed on the backside of the
34 prescription blank; the watermark shall consist of the words
35 “California Security Prescription.”

36 (3) A chemical void protection that prevents alteration by
37 chemical washing.

38 (4) A feature printed in thermochromic ink.

39 (5) An area of opaque writing so that the writing disappears if
40 the prescription is lightened.

1 (6) A description of the security features included on each
2 prescription form.

3 (7) (A) Six quantity check off boxes shall be printed on the
4 form ~~and so that the prescriber may indicate the quantity by~~
5 *checking the applicable box where* the following quantities shall
6 appear:

7 1–24

8 25–49

9 50–74

10 75–100

11 101–150

12 151 and over.

13 (B) In conjunction with the quantity boxes, a space shall be
14 provided to designate the units referenced in the quantity boxes
15 when the drug is not in tablet or capsule form.

16 (8) Prescription blanks shall contain a statement printed on the
17 bottom of the prescription blank that the “Prescription is void if
18 the number of drugs prescribed is not noted.”

19 (9) The preprinted name, category of licensure, license number,
20 federal controlled substance registration number *and address* of
21 the prescribing practitioner.

22 (10) Check boxes shall be printed on the form so that the
23 prescriber may indicate the number of refills ordered.

24 (11) The date of origin of the prescription.

25 (12) A check box indicating the prescriber’s order not to
26 substitute.

27 (13) An identifying number assigned to the approved security
28 printer by the Department of Justice.

29 (14) (A) A check box by the name of each prescriber when a
30 prescription form lists multiple prescribers.

31 (B) Each prescriber who signs the prescription form shall
32 identify himself or herself as the prescriber by checking the box
33 by his or her name.

34 (b) Each batch of controlled substance prescription forms shall
35 have the lot number printed on the form and each form within that
36 batch shall be numbered sequentially beginning with the numeral
37 one.

38 (c) (1) A prescriber designated by a licensed health care facility,
39 a clinic specified in Section 1200, or a clinic specified in
40 subdivision (a) of Section 1206 that has 25 or more physicians or

1 surgeons may order controlled substance prescription forms for
2 use by prescribers when treating patients in that facility without
3 the information required in paragraph (9) of subdivision (a) or
4 paragraph (3) of this subdivision.

5 (2) Forms ordered pursuant to this subdivision shall have the
6 name, category of licensure, license number, and federal controlled
7 substance registration number of the designated prescriber and the
8 name, address, category of licensure, and license number of the
9 licensed health care facility the clinic specified in Section 1200,
10 or the clinic specified in ~~subdivision (a) of~~ Section 1206 that has
11 25 or more physicians or surgeons preprinted on the form. *Licensed*
12 *health care facilities or clinics exempt under Section 1206 are not*
13 *required to preprint the category of licensure and license number*
14 *of their facility or clinic.*

15 (3) Forms ordered pursuant to this section shall not be valid
16 prescriptions without the name, category of licensure, license
17 number, and federal controlled substance registration number of
18 the prescriber on the form.

19 (4) (A) Except as provided in subparagraph (B), the designated
20 prescriber shall maintain a record of the prescribers to whom the
21 controlled substance prescription forms are issued, that shall
22 include the name, category of licensure, license number, federal
23 controlled substance registration number, and quantity of controlled
24 substance prescription forms issued to each prescriber. The record
25 shall be maintained in the health facility for three years.

26 (B) Forms ordered pursuant to this subdivision that are printed
27 by a computerized prescription generation system shall not be
28 subject to subparagraph (A) or paragraph (7) of subdivision (a).
29 Forms printed pursuant to this subdivision that are printed by a
30 computerized prescription generation system may contain the
31 prescriber's name, category of professional licensure, license
32 number, federal controlled substance registration number, and the
33 date of the prescription.

34 (d) This section shall become operative on ~~July 1, 2004~~ *January*
35 *1, 2012. Prescription forms not in compliance with this division*
36 *shall not be valid or accepted after July 1, 2012.*

37 **SECTION 1.**

38 **SEC. 8.** Section 11165 of the Health and Safety Code is
39 amended to read:

1 11165. (a) To assist law enforcement and regulatory agencies
2 in their efforts to control the diversion and resultant abuse of
3 Schedule II, Schedule III, and Schedule IV controlled substances,
4 and for statistical analysis, education, and research, the Department
5 of Justice shall, contingent upon the availability of adequate funds
6 from the Contingent Fund of the Medical Board of California, the
7 Pharmacy Board Contingent Fund, the State Dentistry Fund, the
8 Board of Registered Nursing Fund, and the Osteopathic Medical
9 Board of California Contingent Fund, maintain the Controlled
10 Substance Utilization Review and Evaluation System (CURES)
11 for the electronic monitoring of, *and Internet access to information*
12 *regarding*, the prescribing and dispensing of Schedule II, Schedule
13 III, and Schedule IV controlled substances by all practitioners
14 authorized to prescribe or dispense these controlled substances.

15 (b) The reporting of Schedule III and Schedule IV controlled
16 substance prescriptions to CURES shall be contingent upon the
17 availability of adequate funds from the Department of Justice. The
18 department may seek and use grant funds to pay the costs incurred
19 from the reporting of controlled substance prescriptions to CURES.
20 Funds shall not be appropriated from the Contingent Fund of the
21 Medical Board of California, the Pharmacy Board Contingent
22 Fund, the State Dentistry Fund, the Board of Registered Nursing
23 Fund, the Naturopathic Doctor's Fund, or the Osteopathic Medical
24 Board of California Contingent Fund to pay the costs of reporting
25 Schedule III and Schedule IV controlled substance prescriptions
26 to CURES.

27 (c) CURES shall operate under existing provisions of law to
28 safeguard the privacy and confidentiality of patients. Data obtained
29 from CURES shall only be provided to appropriate state, local,
30 and federal persons or public agencies for disciplinary, civil, or
31 criminal purposes and to other agencies or entities, as determined
32 by the Department of Justice, for the purpose of educating
33 practitioners and others in lieu of disciplinary, civil, or criminal
34 actions. Data may be provided to public or private entities, as
35 approved by the Department of Justice, for educational, peer
36 review, statistical, or research purposes, provided that patient
37 information, including any information that may identify the
38 patient, is not compromised. Further, data disclosed to any
39 individual or agency as described in this subdivision shall not be
40 disclosed, sold, or transferred to any third party.

(d) For each prescription for a Schedule II, Schedule III, or Schedule IV controlled substance, the dispensing pharmacy or clinic shall provide the following information to the Department of Justice on a weekly basis and in a format specified by the Department of Justice:

(1) Full name, address, and the telephone number of the ultimate user or research subject, or contact information as determined by the Secretary of the United States Department of Health and Human Services, and the gender, and date of birth of the ultimate user.

(2) The prescriber's category of licensure and license number; federal controlled substance registration number; and the state medical license number of any prescriber using the federal controlled substance registration number of a government-exempt facility.

(3) Pharmacy prescription number, license number, and federal controlled substance registration number.

(4) NDC (National Drug Code) number of the controlled substance dispensed.

(5) Quantity of the controlled substance dispensed.

(6) ICD-9 (diagnosis code), if available.

(7) Number of refills ordered.

(8) Whether the drug was dispensed as a refill of a prescription or as a first-time request.

(9) Date of origin of the prescription.

(10) Date of dispensing of the prescription.

(e) This section shall become operative on January 1, 2005.

SEC. 9. Section 11165.1 of the Health and Safety Code is amended to read:

11165.1. (a) (1) A licensed health care practitioner eligible to prescribe Schedule II, Schedule III, or Schedule IV controlled substances or a pharmacist may ~~make a written request for~~ *provide a notarized application developed by the Department of Justice to obtain approval to access information stored on the Internet regarding the controlled substance history of a patient maintained within the Department of Justice, and the Department of Justice department may release to that practitioner or pharmacist, the electronic history of controlled substances dispensed to an individual under his or her care based on data contained in the CURES Prescription Drug Monitoring Program (PDMP).*

1 (A) An application may be denied, or a subscriber may be
2 suspended, for reasons which include, but are not limited to, the
3 following:

4 (i) Materially falsifying an application for a subscriber.

5 (ii) Failure to maintain effective controls for access to the
6 patient activity report.

7 (iii) Suspended or revoked federal Drug Enforcement
8 Administration (DEA) registration.

9 (iv) Any subscriber who is arrested for a violation of law
10 governing controlled substances or any other law for which the
11 possession or use of a controlled substance is an element of the
12 crime.

13 (v) Any subscriber accessing information for any other reason
14 than caring for his or her patients.

15 (B) Any authorized subscriber shall notify the Department of
16 Justice within 10 days of any changes to the subscriber account.

17 (2) To allow sufficient time for licensed health care practitioners
18 eligible to prescribe Schedule II, Schedule III, or Schedule IV
19 controlled substances and a pharmacist to apply and receive access
20 to PDMP, a written request may be made, until July 1, 2012, and
21 the Department of Justice may release to that practitioner or
22 pharmacist the history of controlled substances dispensed to an
23 individual under his or her care based on data contained in
24 CURES.

25 ~~(2)~~

26 (b) Any request for, or release of, a controlled substance history
27 pursuant to this section shall be made in accordance with guidelines
28 developed by the Department of Justice.

29 ~~(b)~~

30 (c) In order to prevent the inappropriate, improper, or illegal
31 use of Schedule II, Schedule III, or Schedule IV controlled
32 substances, the Department of Justice may initiate the referral of
33 the history of controlled substances dispensed to an individual
34 based on data contained in CURES to licensed health care
35 practitioners, pharmacists, or both, providing care or services to
36 the individual.

37 ~~(e)~~

38 (d) The history of controlled substances dispensed to an
39 individual based on data contained in CURES that is received by
40 a practitioner or pharmacist from the Department of Justice

1 pursuant to this section shall be considered medical information
2 subject to the provisions of the Confidentiality of Medical
3 Information Act contained in Part 2.6 (commencing with Section
4 56) of Division 1 of the Civil Code.

5 *SEC. 10. Section 11165.2 is added to the Health and Safety*
6 *Code, to read:*

7 *11165.2. (a) The Department of Justice may conduct audits*
8 *of the Prescription Drug Monitoring Program system and its users.*

9 *(b) The Department of Justice may establish, by regulation, a*
10 *system for the issuance to a Prescription Drug Monitoring*
11 *Program subscriber of a citation which may contain an order of*
12 *abatement, or an order to pay an administrative fine assessed by*
13 *the Department of Justice if the subscriber is in violation of any*
14 *provision of this chapter or any regulation adopted by the*
15 *Department of Justice pursuant to this chapter.*

16 *(c) The system shall contain the following provisions:*

17 *(1) Citations shall be in writing and shall describe with*
18 *particularity the nature of the violation, including specific*
19 *reference to the provision of law or regulation of the department*
20 *determined to have been violated.*

21 *(2) Whenever appropriate, the citation shall contain an order*
22 *of abatement establishing a reasonable time for abatement of the*
23 *violation.*

24 *(3) In no event shall the administrative fine assessed by the*
25 *department exceed two thousand five hundred dollars (\$2,500) for*
26 *each violation. In assessing a fine, due consideration shall be given*
27 *to the appropriateness of the amount of the fine with respect to*
28 *such factors as the gravity of the violation, the good faith of the*
29 *subscribers, and the history of previous violations.*

30 *(4) An order of abatement or a fine assessment issued pursuant*
31 *to a citation shall inform the subscriber that if the subscriber*
32 *desires a hearing to contest the finding of a violation, a hearing*
33 *shall be requested by written notice to the CURES Program within*
34 *30 days of the date of issuance of the citation or assessment.*
35 *Hearings shall be held pursuant to Chapter 5 (commencing with*
36 *Section 11500) of Part 1 of Division 3 of Title 2 of the Government*
37 *Code.*

38 *(5) In addition to requesting a hearing, the subscriber may,*
39 *within 10 days after service of the citation, request in writing an*
40 *opportunity for an informal conference with the department*

1 regarding the citation. At the conclusion of the informal
2 conference, the department may affirm, modify, or dismiss the
3 citation, including any fine levied or order of abatement issued.
4 The decision shall be deemed to be a final order with regard to
5 the citation issued, including the fine levied or the order of
6 abatement which could include permanent suspension to the
7 system, a monetary fine, or both, depending on the gravity of the
8 violation which will be stipulated by regulation. However, the
9 subscriber does not waive its right to request a hearing to contest
10 a citation by requesting an informal conference. If the citation is
11 dismissed after the informal conference, the request for a hearing
12 on the matter of the citation shall be deemed to be withdrawn. If
13 the citation, including any fine levied or order of abatement, is
14 modified, the citation originally issued shall be considered
15 withdrawn and a new citation issued. If a hearing is requested for
16 a subsequent citation, it shall be requested within 30 days of service
17 of that subsequent citation.

18 (6) Failure of a subscriber to pay a fine within 30 days of the
19 date of assessment or comply with an order of abatement within
20 the fixed time, unless the citation is being appealed, may result in
21 disciplinary action taken by the department. If a citation is not
22 contested and a fine is not paid, the subscriber account will be
23 terminated:

24 (A) A citation may be issued without the assessment of an
25 administrative fine.

26 (B) Assessment of administrative fines may be limited to only
27 particular violations of law or department regulations.

28 (d) Notwithstanding any other provision of law, if a fine is paid
29 to satisfy an assessment based on the finding of a violation,
30 payment of the fine shall be represented as a satisfactory resolution
31 of the matter for purposes of public disclosure.

32 (e) Administrative fines collected pursuant to this section shall
33 be deposited in the CURES Program Special Fund. These special
34 funds shall provide support for costs associated with informal and
35 formal hearings, maintenance, and updates to the CURES system.

36 (f) The sanctions authorized under this section shall be separate
37 from, and in addition to, any other administrative, civil, or criminal
38 remedies; however, a criminal action may not be initiated for a
39 specific offense if a citation has been issued pursuant to this section
40 for that offense, and a citation may not be issued pursuant to this

1 *section for a specific offense if a criminal action for that offense*
2 *has been filed.*

3 *SEC. 11. Section 11165.3 is added to the Health and Safety*
4 *Code, to read:*

5 *11165.3. The theft or loss of prescription information or forms*
6 *shall be reported immediately to the CURES Program, but no later*
7 *than three days after the discovery of the theft or loss. This*
8 *notification may be done in writing utilizing the Bureau of Narcotic*
9 *Enforcement 1175 Reporting Theft/Loss Form or may be reported*
10 *by the authorized subscriber through the CURES Prescription*
11 *Drug Monitoring Program.*

12 *SEC. 12. Section 11212 of the Health and Safety Code is*
13 *amended to read:*

14 *11212. (a) Persons who, under applicable federal laws or*
15 *regulations, are lawfully entitled to use controlled substances for*
16 *the purpose of research, instruction, or analysis, may lawfully*
17 *obtain and use for such purposes those substances classified in*
18 *paragraphs ~~(45)~~ (81) and ~~(46)~~ (82) of subdivision (b) of Section*
19 *11054 of the Health and Safety Code, upon registration with and*
20 *approval by the California Department of Justice for use of those*
21 *substances in bona fide research, instruction, or analysis.*

22 ~~That~~ *(b) That research, instruction, or analysis shall be carried*
23 *on only under the auspices of the individual identified by the*
24 *registrant as responsible for the research. Complete records of*
25 *receipts, stocks at hand, and use of these controlled substances*
26 *shall be kept.*

27 ~~The~~ *(c) The Department of Justice may withdraw approval of*
28 *the use of such substances at any time. The department may obtain*
29 *and inspect at any time the records required to be maintained by*
30 *this section.*

31 *SEC. 13. Section 11350 of the Health and Safety Code is*
32 *amended to read:*

33 *11350. (a) Except as otherwise provided in this division, every*
34 *person who possesses (1) any controlled substance specified in*
35 *subdivision (b) or (c), or paragraph (1) of subdivision (f) of Section*
36 *11054, specified in paragraph (14), (15), or (20) of subdivision (d)*
37 *of Section 11054, or specified in subdivision (b) or (c) of Section*
38 *11055, or specified in subdivision ~~(h)~~ (j) of Section 11056, or (2)*
39 *any controlled substance classified in Schedule III, IV, or V which*
40 *is a narcotic drug, unless upon the written prescription of a*

1 physician, dentist, podiatrist, or veterinarian licensed to practice
2 in this state, shall be punished by imprisonment in the state prison.

3 (b) Except as otherwise provided in this division, every person
4 who possesses any controlled substance specified in subdivision
5 (e) of Section 11054 shall be punished by imprisonment in the
6 county jail for not more than one year or in the state prison.

7 (c) Except as otherwise provided in this division, whenever a
8 person who possesses any of the controlled substances specified
9 in subdivision (a) or (b), the judge may, in addition to any
10 punishment provided for pursuant to subdivision (a) or (b), assess
11 against that person a fine not to exceed seventy dollars (\$70) with
12 proceeds of this fine to be used in accordance with Section 1463.23
13 of the Penal Code. The court shall, however, take into consideration
14 the defendant's ability to pay, and no defendant shall be denied
15 probation because of his or her inability to pay the fine permitted
16 under this subdivision.

17 (d) Except in unusual cases in which it would not serve the
18 interest of justice to do so, whenever a court grants probation
19 pursuant to a felony conviction under this section, in addition to
20 any other conditions of probation which may be imposed, the
21 following conditions of probation shall be ordered:

22 (1) For a first offense under this section, a fine of at least one
23 thousand dollars (\$1,000) or community service.

24 (2) For a second or subsequent offense under this section, a fine
25 of at least two thousand dollars (\$2,000) or community service.

26 (3) If a defendant does not have the ability to pay the minimum
27 fines specified in paragraphs (1) and (2), community service shall
28 be ordered in lieu of the fine.

29 *SEC. 14. Section 11351 of the Health and Safety Code is*
30 *amended to read:*

31 11351. Except as otherwise provided in this division, every
32 person who possesses for sale or purchases for purposes of sale
33 (1) any controlled substance specified in subdivision (b), (c), or
34 (e) of Section 11054, specified in paragraph (14), (15), or (20) of
35 subdivision (d) of Section 11054, or specified in subdivision (b)
36 or (c) of Section 11055, or specified in subdivision ~~(h)~~ (j) of
37 Section 11056, or (2) any controlled substance classified in
38 Schedule III, IV, or V which is a narcotic drug, shall be punished
39 by imprisonment in the state prison for two, three, or four years.

1 *SEC. 15. Section 11352 of the Health and Safety Code is*
2 *amended to read:*

3 11352. (a) Except as otherwise provided in this division, every
4 person who transports, imports into this state, sells, furnishes,
5 administers, or gives away, or offers to transport, import into this
6 state, sell, furnish, administer, or give away, or attempts to import
7 into this state or transport (1) any controlled substance specified
8 in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f)
9 of Section 11054, specified in paragraph (14), (15), or (20) of
10 subdivision (d) of Section 11054, or specified in subdivision (b)
11 or (c) of Section 11055, or specified in subdivision ~~(h)~~ (j) of
12 Section 11056, or (2) any controlled substance classified in
13 Schedule III, IV, or V which is a narcotic drug, unless upon the
14 written prescription of a physician, dentist, podiatrist, or
15 veterinarian licensed to practice in this state, shall be punished by
16 imprisonment in the state prison for three, four, or five years.

17 (b) Notwithstanding the penalty provisions of subdivision (a),
18 any person who transports for sale any controlled substances
19 specified in subdivision (a) within this state from one county to
20 another noncontiguous county shall be punished by imprisonment
21 in the state prison for three, six, or nine years.

22 *SEC. 16. Section 11353 of the Health and Safety Code is*
23 *amended to read:*

24 11353. Every person 18 years of age or over, (a) who in any
25 voluntary manner solicits, induces, encourages, or intimidates any
26 minor with the intent that the minor shall violate any provision of
27 this chapter or Section 11550 with respect to either (1) a controlled
28 substance which is specified in subdivision (b), (c), or (e), or
29 paragraph (1) of subdivision (f) of Section 11054, specified in
30 paragraph (14), (15), or (20) of subdivision (d) of Section 11054,
31 or specified in subdivision (b) or (c) of Section 11055, or specified
32 in subdivision ~~(h)~~ (j) of Section 11056, or (2) any controlled
33 substance classified in Schedule III, IV, or V which is a narcotic
34 drug, (b) who hires, employs, or uses a minor to unlawfully
35 transport, carry, sell, give away, prepare for sale, or peddle any
36 such controlled substance, or (c) who unlawfully sells, furnishes,
37 administers, gives, or offers to sell, furnish, administer, or give,
38 any such controlled substance to a minor, shall be punished by
39 imprisonment in the state prison for a period of three, six, or nine
40 years.

1 *SEC. 17. Section 11354 of the Health and Safety Code is*
2 *amended to read:*

3 11354. (a) Every person under the age of 18 years who in any
4 voluntary manner solicits, induces, encourages, or intimidates any
5 minor with the intent that the minor shall violate any provision of
6 this chapter or Section 11550, who hires, employs, or uses a minor
7 to unlawfully transport, carry, sell, give away, prepare for sale, or
8 peddle (1) any controlled substance specified in subdivision (b),
9 (c), or (e), or paragraph (1) of subdivision (f) of Section 11054,
10 specified in paragraph (14), (15), or (20) of subdivision (d) of
11 Section 11054, or specified in subdivision (b) or (c) of Section
12 11055, or specified in subdivision ~~(h)~~ (j) of Section 11056, or (2)
13 any controlled substance classified in Schedule III, IV, or V which
14 is a narcotic drug, or who unlawfully sells, furnishes, administers,
15 gives, or offers to sell, furnish, administer, or give, any such
16 controlled substance to a minor shall be punished by imprisonment
17 in the state prison.

18 (b) This section is not intended to affect the jurisdiction of the
19 juvenile court.

20 *SEC. 18. Section 11355 of the Health and Safety Code is*
21 *amended to read:*

22 11355. Every person who agrees, consents, or in any manner
23 offers to unlawfully sell, furnish, transport, administer, or give (1)
24 any controlled substance specified in subdivision (b), (c), or (e),
25 or paragraph (1) of subdivision (f) of Section 11054, specified in
26 paragraph (13), (14), (15), or (20) of subdivision (d) of Section
27 11054, or specified in subdivision (b) or (c) of Section 11055, or
28 specified in subdivision ~~(h)~~ (j) of Section 11056, or (2) any
29 controlled substance classified in Schedule III, IV, or V which is
30 a narcotic drug to any person, or who offers, arranges, or negotiates
31 to have any such controlled substance unlawfully sold, delivered,
32 transported, furnished, administered, or given to any person and
33 who then sells, delivers, furnishes, transports, administers, or gives,
34 or offers, arranges, or negotiates to have sold, delivered,
35 transported, furnished, administered, or given to any person any
36 other liquid, substance, or material in lieu of any such controlled
37 substance shall be punished by imprisonment in the county jail for
38 not more than one year, or in the state prison.

39 *SEC. 19. Section 11377 of the Health and Safety Code is*
40 *amended to read:*

1 11377. (a) Except as authorized by law and as otherwise
2 provided in subdivision (b) or Section 11375, or in Article 7
3 (commencing with Section ~~4211~~ 4110) of Chapter 9 of Division
4 2 of the Business and Professions Code, every person who
5 possesses any controlled substance which is (1) classified in
6 Schedule III, IV, or V, and which is not a narcotic drug, (2)
7 specified in subdivision (d) of Section 11054, except paragraphs
8 (13), (14), (15), and (20) of subdivision (d), (3) specified in
9 paragraph (11) of subdivision (c) of Section 11056, (4) specified
10 in paragraph (2) or (3) of subdivision (f) of Section 11054, or (5)
11 specified in subdivision (d), (e), or (f) of Section 11055, unless
12 upon the prescription of a physician, dentist, podiatrist, or
13 veterinarian, licensed to practice in this state, shall be punished by
14 imprisonment in a county jail for a period of not more than one
15 year or in the state prison.

16 (b) (1) Any person who violates subdivision (a) by unlawfully
17 possessing a controlled substance specified in subdivision (f) of
18 Section 11056, and who has not previously been convicted of a
19 violation involving a controlled substance specified in subdivision
20 (f) of Section 11056, is guilty of a misdemeanor.

21 (2) Any person who violates subdivision (a) by unlawfully
22 possessing a controlled substance specified in subdivision ~~(g)~~ (i)
23 of Section 11056 is guilty of a misdemeanor.

24 (3) Any person who violates subdivision (a) by unlawfully
25 possessing a controlled substance specified in paragraph (7) or (8)
26 of subdivision (d) of Section 11055 is guilty of a misdemeanor.

27 (4) Any person who violates subdivision (a) by unlawfully
28 possessing a controlled substance specified in paragraph ~~(8)~~ (11)
29 of subdivision (f) of Section 11057 is guilty of a misdemeanor.

30 (c) In addition to any fine assessed under subdivision (b), the
31 judge may assess a fine not to exceed seventy dollars (\$70) against
32 any person who violates subdivision (a), with the proceeds of this
33 fine to be used in accordance with Section 1463.23 of the Penal
34 Code. The court shall, however, take into consideration the
35 defendant's ability to pay, and no defendant shall be denied
36 probation because of his or her inability to pay the fine permitted
37 under this subdivision.

38 *SEC. 20. Section 11378 of the Health and Safety Code is*
39 *amended to read:*

1 11378. Except as otherwise provided in Article 7 (commencing
2 with Section 4211) of Chapter 9 of Division 2 of the Business and
3 Professions Code, every person who possesses for sale any
4 controlled substance which is (1) classified in Schedule III, IV, or
5 V and which is not a narcotic drug, except subdivision-(g) (i) of
6 Section 11056, (2) specified in subdivision (d) of Section 11054,
7 except paragraphs (13), (14), (15), (20), (21), (22), and (23) of
8 subdivision (d), (3) specified in paragraph (11) of subdivision (c)
9 of Section 11056, (4) specified in paragraph (2) or (3) of
10 subdivision (f) of Section 11054, or (5) specified in subdivision
11 (d), (e), or (f), except paragraph (3) of subdivision (e) and
12 subparagraphs (A) and (B) of paragraph (2) of subdivision (f), of
13 Section 11055, shall be punished by imprisonment in the state
14 prison.

15 *SEC. 21. Section 11379 of the Health and Safety Code is*
16 *amended to read:*

17 11379. (a) Except as otherwise provided in subdivision (b)
18 and in Article 7 (commencing with Section-4211) 4110) of Chapter
19 9 of Division 2 of the Business and Professions Code, every person
20 who transports, imports into this state, sells, furnishes, administers,
21 or gives away, or offers to transport, import into this state, sell,
22 furnish, administer, or give away, or attempts to import into this
23 state or transport any controlled substance which is (1) classified
24 in Schedule III, IV, or V and which is not a narcotic drug, except
25 subdivision-(g) (i) of Section 11056, (2) specified in subdivision
26 (d) of Section 11054, except paragraphs (13), (14), (15), (20), (21),
27 (22), and (23) of subdivision (d), (3) specified in paragraph (11)
28 of subdivision (c) of Section 11056, (4) specified in paragraph (2)
29 or (3) of subdivision (f) of Section 11054, or (5) specified in
30 subdivision (d) or (e), except paragraph (3) of subdivision (e), or
31 specified in subparagraph (A) of paragraph (1) of subdivision (f),
32 of Section 11055, unless upon the prescription of a physician,
33 dentist, podiatrist, or veterinarian, licensed to practice in this state,
34 shall be punished by imprisonment in the state prison for a period
35 of two, three, or four years.

36 (b) Notwithstanding the penalty provisions of subdivision (a),
37 any person who transports for sale any controlled substances
38 specified in subdivision (a) within this state from one county to
39 another noncontiguous county shall be punished by imprisonment
40 in the state prison for three, six, or nine years.

1 *SEC. 22. Section 11379.2 of the Health and Safety Code is*
2 *amended to read:*

3 11379.2. Except as otherwise provided in Article 7
4 (commencing with Section ~~4211~~ 4110) of Chapter 9 of Division
5 2 of the Business and Professions Code, every person who
6 possesses for sale or sells any controlled substance specified in
7 subdivision ~~(g)~~ (i) of Section 11056 shall be punished by
8 imprisonment in the county jail for a period of not more than one
9 year or in the state prison.

10 *SEC. 23. Section 11839.2 of the Health and Safety Code is*
11 *amended to read:*

12 11839.2. The following controlled substances are authorized
13 for use in replacement narcotic therapy by licensed narcotic
14 treatment programs:

15 (a) Methadone.

16 (b) Levoalphacetylmethadol (LAAM) as specified in paragraph
17 ~~(10)~~ (12) of subdivision (c) of Section 11055.

18 *SEC. 24. Section 11875 of the Health and Safety Code is*
19 *amended to read:*

20 11875. The following controlled substances are authorized for
21 use in replacement narcotic therapy by licensed narcotic treatment
22 programs:

23 (a) Methadone.

24 (b) Levoalphacetylmethadol (LAAM) as specified in paragraph
25 ~~(10)~~ (12) of subdivision (c) of Section 11055.

26 (c) Buprenorphine products or combination products approved
27 by the federal Food and Drug Administration for maintenance or
28 detoxification of opioid dependence.

29 (d) Any other federally approved controlled substances used
30 for the purpose of narcotic replacement treatment.

31 *SEC. 25. No reimbursement is required by this act pursuant*
32 *to Section 6 of Article XIII B of the California Constitution because*
33 *the only costs that may be incurred by a local agency or school*
34 *district will be incurred because this act creates a new crime or*
35 *infraction, eliminates a crime or infraction, or changes the penalty*
36 *for a crime or infraction, within the meaning of Section 17556 of*
37 *the Government Code, or changes the definition of a crime within*

- 1 *the meaning of Section 6 of Article XIII B of the California*
- 2 *Constitution.*

O